

AF 123



PATENT
03046-P0003A WWW/TMO/DWA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application Of	:	
Samuel Louis Iserson	:	
	:	Examiner: Jonathan P. Ouellette
Serial No.: 09/580,126	:	Group Art Unit: 3629
Filed: May 30, 2000	:	
For: Asynchronous Video Interview System	:	

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Reply Brief Under 37 C.F.R. §1.193


Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Having received the Examiner's Answer, Appellant submits this Reply Brief for the above-captioned application pursuant to 37 C.F.R. §1.193 in triplicate as follows.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: : Mail Stop Appeal Brief - Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

October 18, 2004


Paul Bosler

Response to Argument

Though the Examiner has continued to argue for the combination of two references, the fact remains that neither of these references disclose at least one element of the independent claims of the present application. Specifically, the independent claims of the present invention each require the use of real time, camera-captured video of an interviewee's answers to an interviewee's questions. This element is not present in either reference, and thus, even if the Ogden and Speicher references are combined, this combination does not disclose the invention as claimed in the subject application.

The Examiner indicates that Ogden "even suggests (motivation to combine) using video data information in the system (C18 L1-15)." (Examiner's Answer at 5). Though Ogden does briefly mention the possible inclusion of "video information," Ogden nowhere discloses video data that comprises an interviewee's answer to an interviewer's question captured in real time by a camera. This, of course, is the very reason why Ogden does not itself anticipate or render obvious the invention of the subject application, as acknowledged by the Examiner. It does not disclose or suggest the use of such real time video as the information to be stored in response to an interviewer's question.

Speicher does not add this element. Instead, Speicher discloses video clips digitized in advance and then submitted to the system (see C11, L 27-34; C16, L 51-59). Speicher does not disclose video that comprises an interviewee's answer to an interviewer's question captured in real time by a camera. In other

words, Speicher adds nothing to Ogden that contributes to the satisfaction of this missing element.

The Examiner correctly observed that Ogden, by itself, does not disclose or render obvious the invention as claimed in the subject application. The addition of Speicher—which also does not teach the aforementioned missing element—does not change this conclusion.

This difference between the prior art and the subject application is significant to the invention, as it allows allows the interviewer to visually evaluate the general appearance and demeanor of the interviewee, and more importantly, to observe how the interviewee reacts (i.e., with facial expressions or body language) to the questions posed by the interviewer. By doing so, the invention affords the interviewer the ability to perform a critical aspect of the evaluation process that is otherwise unavaible when trying to assess the desireability of applicants remotely.

Respectfully submitted,

October 18, 2004



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